

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,  
*Secretary.*

[FR Doc. 96-30563 Filed 11-29-96; 8:45 am]

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[Rel. No. IC-22348; File No. 811-2892]

**Boston Mutual Life Variable Account A; Notice of Application**

November 22, 1996.

**AGENCY:** Securities and Exchange Commission ("SEC" or "Commission").

**ACTION:** Notice of Application for an order under the Investment Company Act of 1940 ("1940 Act").

**APPLICANT:** Boston Mutual Life Variable Account A ("BML Account").

**RELEVANT 1940 ACT SECTION:** Order requested under Section 8(f) of the 1940 Act.

**SUMMARY OF APPLICATION:** Applicant seeks an order declaring that it has ceased to be an investment company, as defined by the 1940 Act.

**FILING DATE:** The application was filed on March 25, 1996, and amended and restated on July 26, 1996.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the SEC and serving Applicant with a copy of the request, in person or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 17, 1996, and should be accompanied by proof of service on Applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requestor's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

**ADDRESSES:** Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, James F. Sarcia, Boston Mutual Life Insurance Company, 120 Royall Street, Canton, Massachusetts 02021-1028.

**FOR FURTHER INFORMATION CONTACT:** Edward P. Macdonald, Staff Attorney, or Patrice M. Pitts, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942-0670.

**SUPPLEMENTARY INFORMATION:** Following is a summary of the application. The complete application is available for a fee from the Public Reference Branch of the SEC.

**Applicant's Representations**

1. BML Account, a unit investment trust, is a separate account of the Boston Mutual Life Insurance Company ("Boston Mutual"). On December 29, 1978, BML Account filed with the Commission a notification of registration as an investment company on Form N-8A, and a registration statement on Form S-6 (File No. 2-63340) to register under the Securities Act of 1933 interests in individual flexible purchase payment variable annuity contracts issued by Boston Mutual through BML Account. The registration statement was declared effective on May 1, 1981.

2. Boston Mutual deposited \$100,000 of "seed money" in BML Account. All of that seed money was invested in Money Market Management, Inc., a money market investment company.

3. Boston Mutual decided to withdraw from the variable annuity business after fewer than 100 of its variable annuity contracts were sold. Full refunds were offered to all contractholders and by early 1982 all contractholders had accepted refunds. Boston Mutual has not issued any variable annuity contracts through BML Account since 1982, and does not intend to offer variable annuity contracts issued through BML Account for sale in the future.

4. On December 7, 1995, the Board of Directors of Boston Mutual authorized the liquidation of Boston Mutual's seed money in the BML Account, and authorized certain offices to execute and file deregistration and liquidation documents with the appropriate authorities.

5. BML Account disposed of its portfolio securities through the liquidation of Boston Mutual's seed money by redemption, for \$100,000 in cash, of 100,000 shares of Money Market Management, Inc. No brokerage commissions were charged. The proceeds (\$100,000) were returned to Boston Mutual on December 20, 1995.

6. BML Account currently has no assets or liabilities, and no securityholders or accountholders. BML Account is not a party to any litigation or administrative proceeding, and is not now engaged, nor does it intend to engage, in any business activities other than those necessary for winding up its affairs.

7. Within the last 18 months, BML Account has not transferred any of its assets to a separate trust.

8. BML Account represents that it is current with all of its filings under the 1940 Act.

9. BML Account has ceased to be a legal separate account of Boston Mutual

under Massachusetts law. Boston Mutual is in the process of withdrawing or terminating BML Account's legal existence in any states in which BML Account is registered.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,  
*Deputy Secretary.*

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**Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (Kirby Corporation, Common Stock, \$0.10 Par Value) File No. 1-7615**

November 25, 1996.

Kirby Corporation ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security ("Security") from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing the Securities from listing and registration include the following:

According to the Company, it has listed the Security with the New York Stock Exchange, Inc. ("NYSE"). Trading in the Security on the NYSE commenced at the opening of business on October 15, 1996, and concurrently therewith such stock was suspended from trading on the Amex. In making the decision to withdraw the Security from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of the Security on the NYSE and the Amex. The Company does not see any particular advantage in the dual trading of the Security and believes that dual listing would fragment the market for its Security.

Any interested person may, on or before December 17, 1996, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the